

TO: Mail Stop 8 Director of the U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	SOLICITOR SEP 10 2007 U.S. PATENT & TRADEMARK OFFICE	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 07-04553 EMC	DATE FILED Sept. 4, 2007	U.S. DISTRICT COURT 450 Golden Gate Avenue, P.O. Box 36060, San Francisco, CA 94102
PLAINTIFF CIBA SPECIALTY CHEMICALS		DEFENDANT CMC MAGNETICS CORP.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 see Complaint		
2 6,399,768		
3 6,790,593		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Sheila Rash	DATE September 6, 2007
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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FILED

SEP - 4 2007

E-filing

EDWARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for CIBA SPECIALTY CHEMICALS CORPORATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

C 07 4553 EMC

CIBA SPECIALTY CHEMICALS
CORPORATION, a Delaware Corporation

Plaintiff,

v.

CMC MAGNETICS CORPORATION,
HOTAN CORPORATION, HEWLETT-
PACKARD COMPANY, IMATION
CORPORATION and TDK U.S.A.

Defendants.

Civil Action No:

COMPLAINT FOR PATENT
INFRINGEMENT

DEMAND FOR JURY TRIAL

CERTIFICATION OF INTERESTED
ENTITIES OR PERSONS
(N.D. CAL. CIVIL L.R. 3-16)

1 Plaintiff Ciba Specialty Chemicals Corporation complains against Defendants CMC
2 Magnetics Corporation, Hotan Corporation, Hewlett-Packard Company, Imation Corporation, and
3 TDK U.S.A. Corporation ("Defendants") as follows:
4

5 **Jurisdiction and Venue**

- 6 1. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C.
7 §§1331 and 1338(a) since it arises under the patent laws of the United States, 35 U.S.C. §1 et seq.
8 2. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), 1391(c), and
9 1400(b) because, on information and belief, the defendants are doing business in this judicial
10 district and are subject to personal jurisdiction in this judicial district.
11

12 **Intradistrict Assignment**

- 13 3. This is a patent infringement action subject to district-wide assignment under Civil
14 L.R. 3-2(c). Events that gave rise to this action occurred in this judicial district.
15

16 **The Parties**

17 4. Plaintiff Ciba Specialty Chemicals Corporation ("CIBA") is a corporation of
18 Delaware having a principal place of business at 540 White Plains Road, Tarrytown, NY 10591.

19 5. Upon information and belief, Defendant CMC Magnetics Corporation ("CMC") is
20 a corporation organized under the laws of Taiwan and having a place of business on the 15th
21 floor, 53 Ming Chuan W. Rd., Taipei, Taiwan, R.O.C.

22 6. Upon information and belief, Defendant Hotan Corporation ("Hotan") is a
23 California corporation having a place of business at 751 N. Canyons Parkway, Livermore, CA
24 94551.

25 7. Upon information and belief, Defendant Hewlett-Packard Company ("Hewlett-
26 Packard") is a Delaware Corporation having places of business at 3000 Hanover St, Palo Alto,
27 CA 94304 and 3404 E. Harmony Rd. MS 79, Fort Collins, CO 80525.
28

1 8. Upon information and belief, Defendant Imation Corporation ("Imation") is a
2 Delaware corporation having a place of business at 1 Imation Place, Oakdale, MN 55128.

3 9. Upon information and belief, Defendant TDK U.S.A. Corporation ("TDK") is a
4 corporation of New York having a place of business at 901 Franklin Ave., Garden City, NY
5 11530-9302.

6
7 **GENERAL ALLEGATIONS**

8 10. Plaintiff is the Record owner of all right, title, and interest in U.S. Patent No.
9 6,399,768 (the '768 patent") (Exhibit A) which was duly and properly issued on June 4, 2002 for
10 Metallocenyl-Phthalocyanines; and in U.S. Patent 6,790,593 ("the '593 patent") (Exhibit B)
11 which was duly and properly issued on September 14, 2004, for Metallocenyl-Phthalocyanines.

12
13 **FIRST CAUSE OF ACTION – PATENT INFRINGEMENT**

14 11. Plaintiff incorporates by reference the allegations of paragraphs 1-10 of this
15 Complaint as though set forth fully herein.

16 12. Each of the Defendants, within the six years preceding the filing of this Complaint,
17 has infringed one or more claims of the '768 patent in violation of Title 35 of the United States
18 Code Section 271 by making, using, selling, offering for sale, or importing directly and/or
19 through intermediaries into this judicial district and into the United States, the inventions claimed
20 in the '768 patent.

21 13. Said infringement by each Defendant has been deliberate and willful, providing
22 the basis for enhancing damages under 35 U.S. C. §284 and awarding attorneys' fees under 35
23 U.S.C. §285.

24 14. Defendants have unlawfully derived, are deriving and will continue to derive
25 revenues and profits from the acts of infringement complained of herein. Plaintiff has suffered
26 and will continue to suffer damages hereby, and will suffer irreparable injury unless Defendants
27 are enjoined from further infringement.

1 **SECOND CAUSE OF ACTION – PATENT INFRINGEMENT**

2 15. Plaintiff incorporates by reference the allegations of paragraphs 1-14 of this
3 Complaint as though set forth fully herein.

4 16. Each of the Defendants, within the six years preceding the filing of this Complaint,
5 has infringed one or more claims of the '593 patent in violation of Title 35 of the United States
6 Code Section 271 by making, using, selling, offering for sale, or importing directly and/or
7 through intermediaries into this judicial district and into the United States, the inventions claimed
8 in the '593 patent.

9 17. Said infringement by each Defendant has been deliberate and willful, providing
10 the basis for enhancing damages under 35 U.S.C. §284 and awarding attorneys' fees under 35
11 U.S.C. §285.

12 18. Defendants have unlawfully derived, are deriving and will continue to derive
13 revenues and profits from the acts of infringement complained of herein. Plaintiff has suffered
14 and will continue to suffer damages hereby, and will suffer irreparable injury unless Defendants
15 are enjoined from further infringement.

16
17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, for
19 the following relief:

20 A) For judgment that the claims of the '768 and '593 patents have been infringed by
21 each defendant.

22 B) For an injunction preliminarily and permanently restraining and enjoining further
23 infringement by each Defendant of the claims of the '768 and '593 patents.

24 C) For an accounting and an award of damages adequate to compensate Plaintiff for
25 infringement of said Letters Patent by said Defendants, but in no event less than a reasonable
26 royalty for the use made of the claimed inventions, together with interest thereon;

1 D) For an increase in damages to three times the amount found or assessed as a result
2 of willful infringement of the '768 and '593 by Defendants;

3 E) That Plaintiff have judgment for its costs of this suit and for its reasonable
4 attorneys' fees;

5 F) For such other and further relief as the Court may deem just and proper.
6

7 Dated: September 4, 2007

DERGOSITS & NOAH LLP

8
9 By:


Michael E. Dergosits

10 Of Counsel:

11 Alan E.J. Branigan

Brion Heaney

12 Richard Traverso

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DEMAND FOR A JURY TRIAL

Plaintiff demands a trial by jury on all issues relating to this Complaint and any and all issues triable to a jury that will be raised by Defendants' responsive pleadings.

Dated: September 4, 2007

DERGOSITS & NOAH LLP

By: 

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Of Counsel:

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CERTIFICATION OF INTERESTED ENTITIES OR PERSONS

Pursuant to Civil L.R. 3-16, the undersigned certifies that in addition to the plaintiff, the following listed persons, associations of persons, firms, partnerships, corporations (including parent corporations) or other entities (i) have a financial interest in the subject matter in controversy or in a party to the proceeding, or (ii) have a non-financial interest in that subject or in party that could be substantially affected by the outcome of this proceeding:

Ciba Specialty Holding, Inc., in Basel, Switzerland

Ciba Specialty Chemicals International, Inc., in Basel, Switzerland

Ciba Specialty Chemicals International, Ltd., in Taiwan

Dated: September 4, 2007

DERGOSITS & NOAH LLP

By:


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Of Counsel:

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